

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR07-495

BRIAN VINSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 19, 2008

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
SEVENTH DIVISION
[NO. CR-05-4704]

HONORABLE BARRY SIMS, JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Chief Judge

Appellant was convicted of aggravated robbery, theft of property, and aggravated assault. On appeal, he argues that the evidence was insufficient to support his convictions. We affirm.

When reviewing the sufficiency of the evidence to support a criminal conviction, we look at the evidence in the light most favorable to the State, considering only the evidence that supports the verdict, and affirm if there is substantial evidence to support the jury's conclusion. *Morgan v. State*, 359 Ark. 158, 195 S.W.3d 889 (2004). Substantial evidence is that which is forceful enough to compel reasonable minds to reach a conclusion one way or the other without having to resort to speculation or conjecture. *Id.*

Viewing the evidence in the light most favorable to the appellee, the record shows that the robbery victim, a twenty-five-year-old woman, left a nightclub at approximately 1:00 in the morning because she was angry with her boyfriend. She walked a short distance and sat

down between two parked vans. As she was telephoning her boyfriend, she saw appellant and another man dressed in a red tee-shirt come around a corner and approach her. Both men approached her together; the man wearing the red shirt grabbed her purse and fled. Appellant held a pistol to her forehead and said, “Don’t move. Just don’t.” Appellant held the pistol to the victim’s head for about ten seconds and then left. The victim, in tears, walked back toward the nightclub and met an off-duty police detective who asked her what was wrong. The victim replied that she had been robbed, and the detective pursued appellant on foot. As the detective reached the north side of a nearby apartment complex, he heard and saw the muzzle flash of four shots fired at him from a distance of approximately twenty-five yards. The detective called for assistance, other officers responded, and appellant was apprehended in a nearby vehicle with three other men, one of whom was Charles Jones.

Jones testified that he and appellant were looking for something to do on the night in question. Jones suggested that they steal a woman’s purse, and appellant agreed to do that with him. When they saw the victim, Jones testified, he snatched her purse and ran while appellant backed him up according to the plan they had devised. Shortly after Jones was picked up by the other men who remained in the automobile, appellant telephoned Jones and told him that he had been shooting at police. They then rode around looking for appellant. They found him, picked him up, and were all apprehended shortly afterward.

Most of appellant’s arguments are procedurally barred because they were not raised below. Arkansas Rule of Criminal Procedure 33.1 requires that a directed-verdict motion specifically state how the evidence is deficient; general objections to the sufficiency of the

evidence have no effect. *Smith v. State*, 367 Ark. 274, 239 S.W.3d 494 (2006). Here, appellant failed to make any specific objection in his directed-verdict motion other than that there was no evidence that appellant was “acting in concert with Mr. Johnson.”

It was alleged that appellant’s accomplice in the robbery and theft was Mr. Jones; there was no “Mr. Johnson” in this case. Even giving appellant credit for the wrong name, the only argument that has been preserved is that there was insufficient evidence to show that appellant was acting in concert with an accomplice, and here there was an abundance of evidence of concerted action, including Mr. Jones’s testimony that he and appellant had planned and executed the purse-snatching. We hold that, together with the victim’s testimony, this is sufficient evidence to permit the jury to find that the two men cooperated in committing aggravated robbery and theft. Because the conviction for aggravated assault against the police officer required no proof of concerted action, no issue regarding the sufficiency of the evidence to support appellant’s conviction for aggravated assault is before us.

Affirmed.

HART and GRIFFEN, JJ., agree.